

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ENZON PHARMACEUTICALS, INC.,     )  
   )  
                  Plaintiff,                             )  
   )  
                  v.                                     ) C.A. No. 04-1285 (GMS)  
   )  
PHOENIX PHARMACOLOGICS, INC.,     )  
   )  
                  Defendant.                            )

**ORDER**

WHEREAS the parties have made a total of three requests for leave to file motions for summary judgment (D.I. 79, 80, 81);

WHEREAS the court has considered the parties' respective arguments and determined that each motion, if allowed, would require the court to resolve disputed issues of material fact;

WHEREAS the court will deny all three requests and cancel the teleconference scheduled for Monday, October 24, 2005, at 10:00 a.m.;

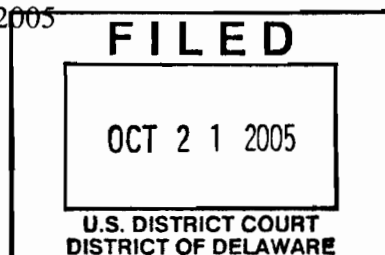
WHEREAS the court has also considered the parties' arguments regarding the Plaintiff's outstanding motion to strike (D.I. 43), and determined that the Defendant's pleadings are sufficient and that disputed issues of material fact exist as to each affirmative defense; and

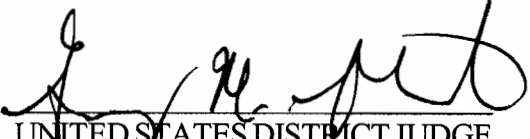
WHEREAS to the extent the Plaintiff requests leave to file a motion for summary judgment as to the Defendant's affirmative defenses, the court will deny such request.

IT IS HEREBY ORDERED THAT:

1. All requests for leave to file motions for summary judgment be DENIED;
2. The Defendant's motion to strike (D.I. 43) be DENIED; and
3. The teleconference scheduled for Monday, October 24, 2005, at 10:00 a.m. be REMOVED from the court's calendar.

Dated: October 21, 2005



  
UNITED STATES DISTRICT JUDGE